

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, JANUARY 20, 2004**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Deb Schorr  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 13, 2004.**

**MOTION:** Workman moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated January 13, 2004 with a correction that the second reference of Ray Stevens in the listing of meeting attendees be changed to reflect the name Bob Workman. Workman, Heier and Stevens voted aye. Schorr and Hudkins abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, January 20, 2004.**

**MOTION:** Hudkins moved and Schorr seconded approval of all claims processed through January 20, 2004. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

Both public hearing items 4A and 4B were read together.

**A. County Special Permit No. 204, Finigan 2<sup>nd</sup> Addition Community Unit Plan, requested by Lyle Loth of ESP on behalf of Pearle F. Finigan, consisting of four residential acreage units on property generally located at North 84<sup>th</sup> Street and Waverly Road in Lancaster County, Nebraska.**

**B. County Preliminary Plat No. 03007, Finigan 2<sup>nd</sup> Addition, requested by Lyle Loth of ESP on behalf of Pearle F. Finigan, consisting of four residential acreage units on property generally located at North 84<sup>th</sup> Street and Waverly Road in Lancaster County, Nebraska.**

The Chair opened the public hearings and asked if anyone wished to testify in favor of the proposals.

The Clerk administered the oath to Mark Hunzeker, attorney representing Pearle Finigan.

Hunzeker explained that the proposal is for a four lot subdivision under a community unit plan which clusters the four lots in the north half of an 80 acre parcel. He stated the idea is to cluster the four lots, permitted as a matter of right, to be developed as 20 acre parcels with the bulk of the remaining 80 acres to be for agricultural use.

In response to a question asked by Hudkins, Hunzeker said that Lyle Loth of ESP worked with Larry Worrell of the County Engineering Department regarding the location of the driveway.

Workman asked why the lots were located on the north end of the parcel.

The Clerk administered the oath to Lyle Loth of ESP.

Loth responded the applicant requested that particular location and that the development would be on higher ground in the northern portion. He added that the southerly portion of the parcel has a drainage way located in it and that it would also have been more difficult to obtain a street access to the paved Waverly Road.

4) **PUBLIC HEARINGS CONTINUED:**

Loth, in response to a question asked by Heier, stated a ten foot setback was included along the 84<sup>th</sup> Street frontage of Lots 1 and 4 to allow existing trees and structures to remain. No new trees or structures would be allowed in the area.

The Chair asked if anyone else wished to testify in favor, opposition or in a neutral position.

No one appeared and the hearings were closed.

5) **NEW BUSINESS:**

**A. An amendment to an agreement with the State of Nebraska Probation Administration, under County contract number C-03-0317, for electronic monitoring of up to 28 juveniles and for two probation officers to supervise juveniles who are ordered by the Separate Juvenile Court of Lancaster County to pre-adjudication or predisposition monitoring during home arrest or detention. The parties wish to amend the agreement to allow juveniles to be supervised on the BI cellular electronic monitoring system. The County will pay an additional \$2,000 for these services. (C-04-0013)**

**MOTION:** Heier moved and Workman seconded approval of an amendment to an agreement with the State of Nebraska Probation Administration, under County contract number C-03-0317, for electronic monitoring of up to 28 juveniles and for two probation officers to supervise juveniles who are ordered by the Separate Juvenile Court of Lancaster County to pre-adjudication or predisposition monitoring during home arrest or detention. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

**B. A grant contract with the Court Appointed Special Advocates (CASA), in the amount of \$10,000, to assist in the recruitment, training and supervision of volunteers who work with older CASA youth who are at high risk of entering the juvenile justice system. Term of the grant contract is July 1, 2003 through June 30, 2004. (C-04-0014)**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Schorr seconded approval of a grant contract with the Court Appointed Special Advocates (CASA), in the amount of \$10,000, to assist in the recruitment, training and supervision of volunteers who work with older CASA youth who are at high risk of entering the juvenile justice system. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

**C. An agreement with Simplex Grinnell for the inspection and testing of the fire alarm systems at Lancaster County Corrections. Term of the agreement is from March 1, 2004 to February 28, 2005 and the County will pay \$8,805 for the services. (C-04-0015)**

**MOTION:** Workman moved and Heier seconded approval of an agreement with Simplex Grinnell for the inspection and testing of the fire alarm systems at Lancaster County Corrections. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

**D. A resolution authorizing the installation of the following traffic signs: "Narrow railroad crossing sign one-half mile ahead, trucks use alternate route" warning signs on West Wittstruck Road. One just east of Southwest 140th Street for eastbound traffic and one just east of Southwest 126th Street for westbound traffic. (R-04-0005)**

**MOTION:** Heier moved and Schorr seconded approval of Resolution 04-0005 authorizing the installation of traffic signs on West Wittstruck Road. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

**E. Setting of salary for Kim Etherton, Director of Community Corrections, at \$62,500, effective January 22, 2004.**

**MOTION:** Heier moved and Workman seconded approval of setting the salary for Kim Etherton, Director of Community Corrections, at \$62,500, effective January 22, 2004. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**F. Approval of the Noxious Weed Control Plan for Lancaster County for the year 2004.**

**MOTION:** Heier moved and Schorr seconded approval of the Noxious Weed Control Plan for Lancaster County for the year 2004.

Russ Shultz, Noxious Weed Control Authority Superintendent, appeared and stated they expect to conduct 7,300 inspections at 3,100 sites during the coming year. He noted a decrease in inspections, as compared to previous years, due to a reduction in the budget.

**ROLL CALL:** Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

**G. A political subdivision tort claim filed against Corrections by Lorinda Kramer, for lost property, in the approximate amount of \$35.**

**MOTION:** Workman moved and Hudkins seconded to deny the political subdivision tort claim filed against Corrections by Lorinda Kramer, for lost property, in the approximate amount of \$35. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

**H. A political subdivision tort claim filed against Corrections by Timothy Broersma, for lost property, in the approximate amount of \$125.**

**MOTION:** Workman moved and Heier seconded to deny the political subdivision tort claim filed against Corrections by Timothy Broersma, for lost property, in the approximate amount of \$125. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

**I. Authorization for the County Attorney's Office to send a letter to the Community Blood Bank indicating that the County has waived the acceptance deadline requirement and intends to proceed forward with the sales agreement, conditional upon the neighborhood association situation being acceptable to the County Board.**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Heier seconded approval to authorize the County Attorney's Office to send a letter to the Community Blood Bank indicating that the County has waived the acceptance deadline requirement and intends to proceed forward with the sales agreement, conditional upon the neighborhood association situation being acceptable to the County Board.

Dean Settle, Lancaster County Community Mental Health Center Director, appeared and reported that he and Marylyde Kornfeld, Program Manager of the Adams Street Center, met with the Hartley Neighborhood Association on January 15, 2004. He stated the meeting was very positive, however, one concern expressed related to tasteful signage. Settle stated he has contacted Sinclair Hille regarding the signage and they would be working toward a solution. Settle added that when they left the meeting room a motion was on the table for the Hartley Neighborhood Association to support and welcome the program at the Community Blood Bank building.

Settle also reported that there was one negative question at the meeting regarding social service organizations being "dumped" into the 27<sup>th</sup> Street area. He stated his response to the individual was that the 27<sup>th</sup> Street corridor represents many of the addresses of individuals which the Community Mental Health Center serves.

**ROLL CALL:** Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

Workman requested that Consent Items 6D and 6E be moved forward under New Business.

Heier requested that resolutions in relation to County Special Permits and Preliminary Plats be acted on immediately following the public hearing.

Board consensus was to place resolutions relating to County Special Permits and Preliminary Plats as the first items under New Business following the public hearings.

**MOTION:** Workman moved and Hudkins seconded to move Consent Items 6D and 6E to New Business. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- J. A resolution approving County Special Permit Number 204, requested by Lyle Loth of ESP on behalf of Pearle F. Finigan, for four residential acreage lots on property generally located at North 84th Street and Waverly Road. (R-04-0006)
- K. A resolution approving County Preliminary Plat Number 03007, Finigan 2nd Addition, requested by Lyle Loth of ESP on behalf of Pearle F. Finigan, for four residential acreage lots on property generally located at North 84th Street and Waverly Road. (R-04-0007)

**MOTION:** Hudkins moved and Workman seconded approval of Resolution 04-0006 in the matter of County Special Permit Number 204, Finigan 2<sup>nd</sup> Addition Community Unit Plan, and Resolution 04-0007 in the matter of County Preliminary Plat Number 03007, Finigan 2<sup>nd</sup> Addition. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Receive and Place on File:**

- 1. Clerk of the District Court's Monthly Report for December, 2003.
- 2. Records and Information Management's Monthly Report for December, 2003.

**B. Request from Kelly L. Fairbanks, an employee with the Crisis Center, to voluntarily participate in the County's retirement plan having met the requirements.**

**C. Request from Julie A. Wiese, an employee with Lancaster Manor, to voluntarily participate in the County's retirement plan having met the requirements.**

6) CONSENT ITEMS CONTINUED:

**D. Right-of-way contracts relating to road improvements between the Lancaster County Engineer and the following:**

- ▶ **Mark R. and Voline Steinhausen**, in the amount of \$253, located 1040 feet west of Southwest 12<sup>th</sup> Street; Project C.P.-O-49. (C-04-0016)
- ▶ **Dale Harlan**, in the amount of \$82, south of Princeton Road; Project C.P.-X-97. (C-04-0017)

**MOTION:** Hudkins moved and Schorr seconded approval of the Consent Items. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

7) ADJOURNMENT:

**MOTION:** Schorr moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:05 p.m.. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, JANUARY 20, 2004  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Deb Schorr  
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 2:05 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 13, 2004.**

**MOTION:** Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated January 13, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

**Approval of 26 additions and deductions to the tax assessment rolls per Exhibit "A".**

**MOTION:** Hudkins moved and Heier seconded approval of the additions and deductions to the tax assessments rolls. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

BryanLGH Medical Center (2 exemptions)  
Capitol City Christian Church  
Cedars Youth Services  
CenterPointe, Inc.  
Evangelical United Lutheran Church  
Nebraska Annual Conference of the United Methodist Church  
Nebraska Wesleyan University  
Peoples City Mission (2 exemptions)  
Sesostris Shrine  
Sisters of Mary Queen of Mercy  
Southeast Nebraska Mobile Diagnostic Services, Inc.  
The Salvation Army  
Wyuka Cemetery (2 exemptions)  
YWCA of Lincoln

**MOTION:** Schorr moved and Hudkins seconded approval of motor vehicle tax exemptions for BryanLGH Medical Center, Capitol City Christian Church, CenterPointe, Inc., Evangelical United Lutheran Church, Nebraska Annual Conference of the United Methodist Church, Nebraska Wesleyan University, Peoples City Mission, Sisters of Mary Queen of Mercy, Southeast Nebraska Mobile Diagnostic Services, Inc., The Salvation Army, Wyuka Cemetery and the YWCA of Lincoln and to also approve motor vehicle tax exemptions for Cedars Youth Services and Sesostris Shrine subject to the vehicle(s) being titled and registered to the applicant. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Heier moved and Schorr seconded adjournment of the Board of Equalization meeting at 2:08 p.m.. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk